

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

BUSTER R. MORGAN,	:	Case No. 3:17-CV-227
	:	
Plaintiff,	:	Judge Thomas M. Rose
	:	
v.	:	
	:	
COMMISSIONER OF SOCIAL SECURITY,	:	
	:	
Defendant.	:	

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. 25),
ADOPTING REPORT AND RECOMMENDATIONS (DOC. 24), REVERSING
THE COMMISSIONER’S NON-DISABILITY FINDING, REMANDING THE
MATTER TO THE COMMISSIONER UNDER THE FOURTH SENTENCE OF
42 U.S.C. § 405(g) FOR PROCEEDINGS CONSISTENT WITH THIS OPINION,
AND TERMINATING THIS CASE**

This Social Security disability benefits appeal is before the Court on the Objections (Doc. 25) filed by the Commissioner of Social Security (“Commissioner”) to Magistrate Judge Michael J. Newman’s Report and Recommendations (“Report”) (Doc. 24). Magistrate Judge Newman recommended that the Administrative Law Judge’s non-disability finding be found unsupported by substantial evidence in the record and reversed. Magistrate Judge Newman further recommended that this matter be remanded to the Commissioner under the Fourth Sentence of 42 U.S.C. § 405(g) for further proceedings. The Commissioner filed Objections (Doc. 25) to the Report, in response to which Plaintiff Buster R. Morgan filed a Response (Doc. 26). This matter is ripe for review.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that the Commissioner's Objections (Doc. 25) to the Report (Doc. 24) are not well-taken and are hereby **OVERRULED**. The Court **ADOPTS** the Report (Doc. 24) and rules as follows:

1. The Administrative Law Judge's non-disability finding is unsupported by substantial evidence in the record and **REVERSED**;
2. This case is **REMANDED** to the Commissioner under the Fourth Sentence of 42 U.S.C. § 405(g) for further proceedings consistent with this opinion; and
3. This case is **TERMINATED** on the docket of this Court.

DONE and **ORDERED** in Dayton, Ohio, this Tuesday, April 24, 2018.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE